

REMARKS

This Request is fully responsive to the final Office Action dated February 4, 2009, issued in connection with the above-identified application. Claims 61-71 are pending in the present application. With this Request, no claims have been amended; and no new matter has been introduced. Favorable reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Okoronkwo for granting the telephone interview (hereafter “interview”) with the Applicants’ representative on April 22, 2009. During the interview, the features of the present invention (as recited in independent claim 61) were discussed in detail. In particular, the limitation directed to changing the order of executing the “deletion request” and the “duplication request” recited in at least independent claim 61 was discussed.

At the conclusion of the interview, the Examiner acknowledged the apparent absence in the Alve reference of the limitation directed to changing the order of executing the “deletion request” and the “duplication request” recited in at least independent claim 61. Additionally, the Examiner agreed that more consideration would be given to the above limitation upon the filing of a formal response to the outstanding Office Action.

In the Office Action, claims 61-66 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Alve (U.S. Publication No. 2003/0076955, hereafter “Alve”) in view of Asokan et al. (U.S. Patent No. 7,178,041, hereafter “Asokan”). Additionally, claims 67-71 have been rejected as being unpatentable over Alve in view of Asokan, and further in view of Ganesan (U.S. Publication No. 2002/0019814, hereafter “Ganesan”).

The Applicants assert that the cited prior art fails to disclose or suggest at least all the features recited in independent claims 61, 70 and 71. For example, independent claim 61 recites *inter alia* the following features:

“[a] content duplication management apparatus that manages content duplications performed on an apparatus, comprising:...

a management unit configured to execute the management request received from said request receiving unit in order of arrival;...

said management unit,

- (1) when the management request that has been received first among the management requests that have not been executed is the deletion request, adds the predetermined value to the number of permitted content duplications, and
- (2) when the management request that has been received first is the duplication request and
 - (i) if the number indicated by the duplication restriction information is greater than the predetermined value, duplicates the content for the apparatus, and subtracts the predetermined value from the number indicated by the duplication restriction information,
 - (ii) if the number indicated by the duplication restriction information is less than the predetermined value, rejects the duplication request, and
 - (iii) if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists subsequent to the duplication request, executes, on an exceptional basis, the deletion request prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information." (Emphasis added).

The features emphasized above in independent claim 61 are similarly recited in independent claims 70 and 71. For example, claim 70 is directed to a method and claim 71 is directed to a system, and both claims 70 and 71 include the features emphasized above in claim 61. The features emphasized above are fully supported by the Applicants' disclosure (see e.g., ¶ [0034] - ¶ [0035]).

The present invention, as recited in independent claims 61, 70 and 71, is distinguishable from the cited prior art in that a management unit that executes the management request received from the request receiving unit in order of arrival also performs the following feature:

"if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists subsequent to the duplication request, executes, on an exceptional basis, the deletion request prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information."

Therefore, the management unit of the present invention can conduct the duplication

processing even when the number indicated by the duplication restriction information is less than the predetermined value. Specifically, the management unit executes the deletion request prior to the duplication request, thereby adding the predetermined value to the number indicated by the duplication restriction information. In this way, the number indicated by the duplication restriction information becomes greater than or equal to the predetermined value, enabling the management unit to conduct the duplication processing. The above-described structure of present invention makes it possible to avoid the continuation of the state where the duplication processing cannot be conducted because of the number indicated by the duplication restriction information being less than the predetermined value.

In the Office Action, the Examiner relies on combination of Alve, Asokan and Ganesan for disclosing or suggesting all the features recited in independent claims 61, 70 and 71. However, the Examiner relies primarily on Alve for disclosing or suggesting the features of the present invention noted above (i.e., (iii)). However, as indicated during the interview conducted on April 22, 2009, the above features and advantages of the present invention (as recited in independent claims 61, 70 and 71) are not believed to be disclosed or suggested by Alve.

Alve discloses an apparatus and technique for managing a number of content duplications. In Alve, (i) a domain traversal flag is used to determine whether a content is permitted to be sent out of an authorized domain, and (ii) usage state information, which includes a usage state "Copy X times," is used to restrict the number of content duplications up to X times, thereby preventing a widespread distribution of a content and protecting copyright.

In the Office Action, the Examiner relies on Alve at ¶ [0043]-¶ [0052] for disclosing or suggesting the features of present invention (as recited in independent claims 61, 70 and 71) noted above (i.e., (iii)). That is, the Examiner relies on Alve at ¶ [0043]-¶ [0052] for disclosing or suggesting changing the order or executing the "deletion request" and the "duplication request" of the present invention.

However, Alve at ¶ [0043]-¶ [0052] merely discloses giving the content provider the ability to recreate the content key. Nothing in Alve discloses or suggests changing the order or executing the "deletion request" and the duplication request." Therefore, Alve does not disclose or suggest all the features of the management unit of the present invention (as recited in independent claims 61, 70

and 71). For example, in a case where the duplication request is to be executed when the duplication restriction information (Copy X time) is less than the predetermined value (zero, for example), the content cannot be duplicated even if a management request (deletion request, etc.) that is subsequent in a request-arrival sequence queue is received at a device.

On the other hand, according to the present invention (as recited in claims 61, 70 and 71), the management unit executes the deletion request that is subsequent in the request-arrival sequence queue, prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information.

Accordingly, the number indicated by the duplication restriction information becomes greater than or equal to the predetermined value, and the duplication processing can be conducted. As noted above, this makes it possible to avoid the continuation of the state where the duplication processing cannot be conducted because of the number indicated by the duplication restriction information being less than the predetermined value, which is an advantageous effect not disclosed or suggested by Alve.

As noted above, Asokan and Ganesan are not relied on for disclosing or suggesting the above features (i.e., (iii)) of the present invention. Regardless, after a detailed review of Asokan and Ganesan, the references clearly fail to overcome the deficiencies noted above in Alve.

Based on the above discussion, independent claims 61, 70 and 71 are not anticipated or rendered obvious by Alve, Asokan and Ganesan (individually or in combination). Likewise, claims 62-69 are not anticipated or rendered obvious by Alve, Asokan and Ganesan (individually or in combination) at least by virtue of their dependencies (directly or indirectly) from independent claim 61.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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May 4, 2009